

## Chapter 227, STORM SEWERS

[HISTORY: Adopted by the Mayor and Council of the Borough of Laurel Springs as indicated in article histories. Amendments noted where applicable.]

### GENERAL REFERENCES

Flood damage prevention -- See Ch. 141.

Subdivision of land -- See Ch. 233.

Zoning -- See Ch. 270.

### ARTICLE I, Illicit Connections [Adopted 5-2-2005 by Ord. No. 646-2005]

#### § 227-1. Purpose.

An article to prohibit illicit connections to the municipal separate storm sewer system (MS4) operated by the Borough of Laurel Springs, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

#### § 227-2. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**DOMESTIC SEWAGE** -- Waste and wastewater from humans or household operations.

**ILLICIT CONNECTION** -- Any physical or nonphysical connection that discharges domestic sewage, noncontact cooling water, processed wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Borough of Laurel Springs, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJ0141852). Nonphysical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

**INDUSTRIAL WASTE** -- Nondomestic waste, including but not limited to those pollutants regulated under Section 307(a), (b), or (c) of the Federal Clean Water Act [33 U.S.C. § 1317(a), (b), or (c)].

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** -- A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains that is owned or operated by the Borough of Laurel Springs or other public body, and is designed and used for collecting and conveying stormwater.

**NJPDES PERMIT** -- A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A, et seq.

**NONCONTACT COOLING WATER** -- Water used to reduce temperature for the purpose of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Noncontact cooling water may, however, contain algacides or biocides to control fouling of equipment such as heat exchangers and/or corrosion inhibitors.

**PERSON** -- Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

**PROCESSED WASTEWATER** -- Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product. Processed wastewater includes, but is not limited to, leachate and cooling water other than noncontact cooling water.

**STORMWATER** -- Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal or equipment.

#### § 227-3. Prohibited conduct.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Borough of Laurel Springs any domestic sewage, noncontact cooling water, processed wastewater, or other industrial waste (other than stormwater).

#### § 227-4. Enforcement.

This article shall be enforced by the Police Department and/or other municipal officials of the Borough of Laurel Springs.

#### § 227-5. Violations and penalties. [Amended 7-13-2009 by Ord. No. 719-2009]

Unless otherwise provided by statute or in the Code of the Borough of Laurel Springs, violation of any provision of the Code of the Borough of Laurel Springs shall be punishable by one or more of the following: a fine not to exceed \$2,000, imprisonment for not more than 90 days and/or a period of community service not to exceed 90 days. Each day on which a violation occurs shall be considered a separate offense.

### ARTICLE II, Illegal Discharges [Adopted 5-2-2005 by Ord. No. 646-2005]

#### § 227-6. Purpose.

An article to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Borough of Laurel Springs, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

#### § 227-7. Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

**MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)** -- A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Borough of Laurel Springs or other public body, and is designed and used for collecting and conveying stormwater.

**PERSON** — Any individual, corporation, company, partnership, firm, association, or political subdivision of this state subject to municipal jurisdiction.

**STORMWATER** — Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal or equipment.

§ 227-8. Prohibited conduct.

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Borough of Laurel Springs is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

§ 227-9. Exceptions to prohibition.

- A. Water line flushing and discharges from potable water sources.
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising groundwaters).
- C. Air conditioning condensate (excluding contact and noncontact cooling water).
- D. Irrigation water (including landscape and lawn watering runoff).
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- F. Residential car washing water and residential swimming pool discharges.
- G. Sidewalk, driveway and street wash water.
- H. Flows from fire-fighting activities.
- I. Flows from rinsing of the following equipment with clean water:
  - (1) Beach maintenance equipment immediately following their use for their intended purposes; and
  - (2) Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded. Rinsing of equipment, as noted in the above situation, is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§ 227-10. Enforcement.

This article shall be enforced by the Police Department and/or other municipal officials of the Borough of Laurel Springs.

§ 227-11. Violations and penalties. [Amended 7-13-2009 by Ord. No. 719-2009]

Unless otherwise provided by statute or in the Code of the Borough of Laurel Springs, violation of any provision of the Code of the Borough of Laurel Springs shall be punishable by one or more of the following: a fine not to exceed \$2,000, imprisonment for not more than 90 days and/or a period of community service not to exceed 90 days. Each day on which a violation occurs shall be considered a separate offense.

**ARTICLE III, Private Storm Drain Inlet Retrofitting** [Adopted 7-13-2009 by Ord. No. 719-2009]

§ 227-12. Purpose.

The purpose of this article is to require the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal storm sewer system(s) operated by the Borough of Laurel Springs so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 227-13. Definitions.

A. For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

B. As used in this article, the following terms shall have the meanings indicated:

**MUNICIPAL SEPARATE STORMWATER SYSTEM (MS4)** — A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) that is owned or operated by the Borough of Laurel Springs or other public body and is designed and used for collecting and conveying stormwater.

**PERSON** — Any individual, corporation, company, partnership, firm, association or political subdivision of this state subject to municipal jurisdiction.

**STORM DRAIN INLET** — An opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

**WATERS OF THE STATE** — The ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

§ 227-14. Requirement to meet standards.

No person in control of private property (except a residential lot with one single-family house shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen), reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

- A. Already meets the design standard below to control passage of solid and floatable materials; or
- B. Is retrofitted or replaced to meet the standard in § 227-15 below prior to the completion of the project.

§ 227-15. Design standard established.

Storm drain inlets identified in § 227-14 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this section, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended or settleable solids. For exemptions to this standard, see § 227-15C below.

A. Grates.

(1) Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from that surface into a storm drain or surface water body under that grate.

(a) The New Jersey Department of Transportation (NJDOT) bicycle-safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

(b) A different grate, if each individual clear space in that grate has an area of no more than 7.0 square inches, or is no greater than 0.5 inch across the smallest dimension.

(2) Examples of grates subject to this standard include grates in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains.

Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basin floors.

B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than 7.0 square inches, or be no greater than 2.0 inches across the smallest dimension.

C. This standard does not apply:

(1) Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards;

(2) Where flows are conveyed through any device (e.g., end-of-pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

(a) A rectangular space 4 5/8 inches long and 1 1/2 inches wide (This option does not apply for outfall netting facilities.); or

(b) A bar screen having a bar spacing of 0.5 inch.

(3) Where flows are conveyed through a trash rack that has parallel bars with one-inch spacing between the bars; or

(4) Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register-listed historic property.

§ 227-16. Enforcement.

This article shall be enforced by the Police Department or other municipal officials of the Borough of Laurel Springs.

§ 227-17. Violations and penalties.

Unless otherwise provided by statute or in the Code of the Borough of Laurel Springs, violation of any provision of the Code of the Borough of Laurel Springs shall be punishable by one or more of the following: a fine not to exceed \$2,000, imprisonment for not more than 90 days and/or a period of community service not to exceed 90 days. Each day on which a violation occurs shall be considered a separate offense.

§ 227-18. Severability.

Each section, subsection, sentence, clause and phrase of this article is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this article to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this article.